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EXAMINER

STEPHENS III, JOSE S

ART UNIT	PAPER NUMBER
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4193

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,093	Applicant(s) LANCESSEUR ET AL.	
	Examiner JOSE S. STEPHENS III	Art Unit 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 12, 13, 17, and 18 are objected to because of the following informalities:

In claims 12 and 13, line 2, the recitation "inner peripheral wall" should be changed to "inner wall".

In claims 17 and 18, line 2, the recitation "outer peripheral wall" should be changed to "outer wall".

Appropriate corrections are required.

2. Claim 34 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. There are no details of the method to further limit the parent claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12, 15, 17, 19, 20, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hekal (EP 0824480).

With respect to claim 1, figure 1, Hekal teaches a desiccant container 01 with increased tightness, made of thermoplastic polymer materials (see [0023], lines 37-39), for the packaging of products sensitive to ambient moisture, presented in processed or unprocessed forms comprising a tubular casing 12, forming a product packaging zone 201, closed at one of its ends by a base and open at the other end (see figure 1), sealing means 14 of the open end of the tubular casing 12, connection means 16 placed between the sealing means 14 and the tubular casing 12, packaging means of a desiccant agent 200 placed on an inner face of the sealing means (see [0025], lines 30-32), a collar type outer peripheral stop (see figure 1), created in the a vicinity of the open end of the tubular casing 12 wherein the sealing means 14 is supported in a closed position thereof, and further wherein, the sealing means 14 of the open end of the tubular casing 12 of comprises a cap-lid 14 coaxial with the tubular casing 12 of comprising an upper end wall and two concentric tubular peripheral walls comprising, one inner wall 74 and one outer wall 87, and forming together a deep peripheral groove (see figure 1) having walls distanced from each other to cover, when the sealing means 14 are is closed, a peripheral wall (see figure 1) of the open end of the tubular casing 12 up to the outer peripheral stop (see figure 1), creating four successive surface to surface type tightness peripheral zones (see rejections below for claims 2, 3, 10, and 15) forming four successive tightness barriers between the open end of the tubular casing 12 and the cap-lid 14, and the connection means between the tubular casing 12 and the sealing means 14 comprises a mechanical hinge 16 ensuring the precision of closure.

With respect to claim 2, figure 1, Hekal teaches a first surface to surface type peripheral tightness zone is established between the outer wall 87 of the peripheral groove (see figure 1) and an outer face of the wall of the open end (see figure 1) of the tubular casing 12.

With respect to claim 3, figure 1, Hekal teaches a second surface to surface type peripheral tightness zone is created between a peripheral base of the peripheral groove (see figure 1) and a peripheral edge of the open end (see figure 1) of the tubular casing 12.

With respect to claim 4, figure 1, Hekal teaches a base of the peripheral groove has a cross-section that is the same as a cross-section of the peripheral edge of the open end of the casing 12.

With respect to claims 5 and 6, Hekal teaches the cross-sections comprise a sharp angle type and an arc of a circle (see figure 1).

With respect to claim 7, figure 1, Hekal teaches a peripheral edge (ledge in the upper portion of the casing) of the open end of the casing 12 is in the prolongation of the casing.

With respect to claim 8, figure 1, Hekal teaches a peripheral edge (ledge in upper portion that is perpendicular to the casing) of the open end of the casing 12 protrudes from the casing.

With respect to claim 9, figure 1, Hekal teaches the distance between the inner and outer walls (74 and 87) of the groove (see figure 1) is at least equal to the thickness of the tubular casing 12.

With respect to claim 10, figure 1, Hekal teaches a third surface to surface type peripheral tightness zone is established between an inner surface of the inner wall 74 of the deep peripheral groove and an inner surface of the open end (see figure 1) of the tubular casing 12.

With respect to claim 11, figure 1, Hekal teaches the contact height of the third surface to surface type peripheral tightness zone (as discussed above in claim 10) extends from a lower end of the inner wall 74 to a base of the groove (see figure 1).

With respect to claim 12, figure 1, Hekal teaches the height of the inner wall 74 of the groove (see figure 1) is at least equal to the height of the outer wall 87 of the groove.

With respect to claim 15, figure 1, Hekal teaches a fourth surface to surface type peripheral tightness zone is established between a plane lower edge of the outer wall 87 of the groove and a plate of the outer peripheral stop (ledge in upper portion that is perpendicular to the casing).

With respect to claim 17, figure 1, Hekal teaches the outer wall 87 of the peripheral groove (see figure 1) is continuous.

With respect to claim 19, figure 1, Hekal teaches the cap-lid 14 is equipped with a gripping visor (see figure 1).

With respect to claim 20, figure 1, Hekal teaches an inner face of the outer wall 87 of the groove (see figure 1) and an outer face of the outer wall of the tubular casing 12 are equipped with snap-on means 63.

With respect to claim 27, figure 1, Hekal teaches the packaging means of a desiccant agent 200 placed on the inner face of the cap-lid 14 is tubular (see figure 1).

With respect to claims 28-31, Hekal teaches that the tubular casing and the cap-lid 14 are produced with the same or different thermoplastic polymer composition (see [0022], lines 27-29; all of [0023]; and claims 6 and 9).

With respect to claim 34, Hekal teaches a method for packaging a product sensitive to ambient moisture comprising employing the product in a desiccant container (see [0013]).

5. Claims 13, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hekal (EP 0824480).

With respect to claims 13 and 14, Hekal does not teach an inner surface of the inner wall comprises an annular type peripheral protuberance that is engaged into a corresponding peripheral groove placed on the inner wall of the open end of the casing. However, Hekal teaches a protuberance 63 that engages with groove 81. One of ordinary skill in the art would be able to recognize that the protuberance that fits into the corresponding groove of Hekal would be applicable as the protuberance that fits into the corresponding groove of the instant application, even though they are placed in different places. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the desiccant container of Hekal by placing a protuberance on the inner surface of the inner wall and a corresponding peripheral groove placed on the inner wall of the open end of the casing for the advantage of creating a moisture proof seal.

With respect to claim 16, Hekal does not teach the depth of the peripheral groove is from 45% to 95% of the thickness of the cap-lid measured on the outer wall of the groove. Official notice is taken that the depth of the peripheral groove is seen to be a design choice. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the depth of the peripheral groove being between 45% and 95% of the thickness of the cap-lid for the advantage of creating a moisture proof seal.

6. Claims 18, and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hekal (EP 0824480) in view of Pehr (WO 89/08057).

With respect to claim 18, Hekal teaches all the limitations of claim 1. Hekal does not teach the outer peripheral wall of is rendered discontinuous by notches. However, Pehr teaches outer peripheral wall (outer wall of the lid in figure 11) is rendered discontinuous by notches (reference numbers 62 and 63, figure 11 of Pehr), that are part of a two-part mechanical hinge (see figures 10 and 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the outer wall of Hekal discontinuous by incorporating the hinge structure with the notches, as taught by Pehr, for the advantage of providing a stronger hinge.

With respect to claim 21, the combination of Hekal and Pehr teach all the limitations of claim 1. The combination also teaches the connection means comprises a mechanical hinge (reference number 5, figure 11 of Pehr) formed by two parts, a male part incorporated in the tubular casing (see figure 10 of Pehr), and a female part incorporated in the cap-lid (see figure 11 of Pehr).

With respect to claim 22, the combination of Hekal and Pehr teach all the limitations of claim 1. The combination also teaches the male part of the hinge (see figure 11 of Pehr) incorporated in the tubular casing (reference number 12, figure 1 of Hekal) comprises two bracket plates connected to each other by a rotation axis (reference number 53, figure 10 of Pehr).

With respect to claim 23, the combination of Hekal and Pehr teach all the limitations of claim 1. The combination does not teach the rotation axis is prolonged beyond both bracket plates by protruding ends. The rotating axis having protruding end is seen to be a design choice. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the protruding end of the rotational axis the instant application would perform the same of Pehr, thus offering no advantage.

With respect to claim 24, the combination of Hekal and Pehr teach all the limitations of claim 23. The combination also teaches the female part of the hinge incorporated in the cap-lid (see figure 11 of Pehr), comprises two bracket plates (reference numbers 62 and 63, figure 11 of Pehr) placed at a distance with respect to each other such that the plates can encompass the bracket plates of the male part of the hinge (see figure 10 of Pehr), a second groove (reference number 64, figure 13 of Pehr) intended to receive the rotation axis (reference number 53, figure 10 of Pehr), delimited by inner and outer walls (see figure 13 of Pehr).

With respect to claim 25, the combination of Hekal and Pehr teach all the limitations of claim 24. The combination also teaches the bracket plates are equipped

with orifices (see figure 13 of Pehr) to receive the protruding ends of the rotation axis (reference number 53, figure 10 of Pehr).

With respect to claim 26, the combination of Hekal and Pehr teach all the limitations of claim 24. The combination also teaches the length of the second groove (reference number 64, figure 13 of Pehr) intended to receive the rotation axis (reference number 53, figure 10 of Pehr) is at most equal to the distance existing between inner faces of the bracket plates (see figure 11).

7. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hekal (EP 0824480) in view of Taskis et al. (US Patent 5,947,274).

With respect to claims 32 and 33, Hekal teaches all the limitations of claim 1. Hekal does not teach the desiccant agent is at least one selected from the group consisting of silica gels and molecular sieves. However, Taskis et al. teaches a desiccant agent that is a molecular sieve powder (see column 11, lines 3-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use molecular sieve powder as the desiccant agent, as taught by Taskis et al., for the advantage of chemically absorbing the water in the container.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Riemenschneider et al. (US 2003/0029739) teaches a container with integral material-treating container and method of fabrication thereof.

Sacherer et al. (US Patent 4,834,234) teaches a container for test strips.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE S. STEPHENS III whose telephone number is (571)270-3797. The examiner can normally be reached on M-F, alternate F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Nguyen can be reached on 571-272-1753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSS

/Taghi T. Arani/
Supervisory Patent Examiner, Art Unit 4193
4/21/2008